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**MEMORANDUM**

**TO:** William L. Harp, MD  
Executive Director  
Virginia Board of Medicine

**FROM:** Erin L. Barrett  
Assistant Attorney General

**DATE:** August 14, 2019

**SUBJECT:** *Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic, 18VAC85-20-10 et seq.; Regulations Governing the Practice of Respiratory Therapists, 18VAC85-40-10 et seq.; Regulations Governing the Practice of Physician Assistants, 18VAC85-50-10 et seq.; Regulations Governing the Licensure of Occupational Therapists, 18VAC85-80-10 et seq.; Regulations Governing the Practice of Radiologic Technology, 18VAC85-101-10 et seq.; Regulations Governing the Practice of Licensed Acupuncturists, 18VAC85-110-10 et seq.; Regulations Governing the Licensure of Athletic Trainers, 18VAC85-120-10 et seq.; Regulations Governing the Practice of Licensed Midwives, 18VAC85-130-10 et seq.; Regulations Governing the Practice of Polysomnographic Technologists, 18VAC85-140-10 et seq.; Regulations Governing the Practice of Behavior Analysis, 18VAC85-150-10 et seq.; Regulations Governing the Registration of Surgical Assistants and Surgical Technologists, 18VAC85-160-10 et seq.; Regulations Governing the Practice of Genetic Counselors, 18VAC85-170-10 et seq.*

I have reviewed the amendments to the *Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic, 18VAC85-20-10 et seq., Regulations Governing the Practice of Respiratory Therapists, 18VAC85-40-10 et seq.; Regulations Governing the Practice of Physician Assistants, 18VAC85-50-10 et seq.; Regulations Governing the Licensure of Occupational Therapists, 18VAC85-80-10 et seq.; Regulations Governing the Practice of Radiologic Technology, 18VAC85-101-10 et seq.; Regulations Governing the Practice of Licensed Acupuncturists, 18VAC85-110-10 et seq.; Regulations Governing the Licensure of Athletic Trainers, 18VAC85-120-10 et seq.; Regulations Governing the Practice of Licensed Midwives, 18VAC85-130-10 et seq.; Regulations Governing the Practice of Polysomnographic Technologists, 18VAC85-140-10 et seq.; Regulations Governing the Practice*

*of Behavior Analysis, 18VAC85-150-10 et seq.; Regulations Governing the Registration of Surgical Assistants and Surgical Technologists, 18VAC85-160-10 et seq.; and Regulations Governing the Practice of Genetic Counselors, 18VAC85-170-10 et seq.* The proposed amendments provide a one-time fee reduction in active license renewal fees for all professions regulated by the Board of Medicine, applicable in 2020 or 2021, depending on the license type renewal cycle. These proposed amendments are exempt from the operation of the Virginia Administrative Process Act and review by the Executive Branch in accordance with Virginia Code § 2.2-4006(A)(6), which provides an exemption for regulations reduction of fees charged to regulants. Va. Code § 2.2-4006(A)(6). The Board of Medicine has the statutory authority to amend these regulations under Virginia Code § 54.1-2400. The proposed amendments are constitutional and do not conflict with existing federal or state laws or regulations.